## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-343-MOC

DOROTHY PAULINE STACY,	)	
	)	
	)	
Plaintiff,	)	
	)	
<b>v.</b>	) ORDER	<u>.</u>
	)	
KILOLO KIJAKAZI,	)	
Acting Commissioner of	)	
Social Security	)	
Defendant.	)	
	_ )	

THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney Fees

Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A). (Doc. No. 20). The

parties have agreed to stipulate to an award in the amount of \$5,400.00. (Doc. No. 22). Having

reviewed the motion, supporting materials, memorandum in support, and the case file, the Court

determines that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice

Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$5,400.00.

## **ORDER**

IT IS, THEREFORE, ORDERED that the Plaintiff's Consent Motion for Attorney Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A), Doc. No. 20, is GRANTED, to the extent that the Court will award attorney fees in the amount of \$5,400.00. Payment will be made by check payable to Plaintiff's counsel in accordance with Plaintiff's assignment to his attorney of his right to payment of attorney's fees under the Equal Access to Justice Act, and that pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will

determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Signed: August 24, 2023

United States District Judge

2